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Security Council

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Letter dated 18 June 2004 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General

I have the honour to enclose the assessment of the work of the Security Council during the presidency of Germany in April 2004 (see annex). This assessment has been prepared under my own responsibility following consultations with other members of the Council.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dr. Gunter **Pleuger**
Ambassador

04-39822 (E) 250604

Annex to the letter dated 18 June 2004 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General

Assessment of the work of the Security Council during the Presidency of Germany (April 2004)

Introduction

1. The work of the Security Council during the month of April 2004 was characterized in particular by discussions about the non-proliferation of weapons of mass destruction, the question of Cyprus, Iraq and the Middle East. The Security Council also discussed the serious humanitarian crises in the Sudan (Darfur) and in northern Uganda. A Council debate on the role of business in conflict prevention, peacekeeping and peace-building highlighted the important role the private sector can play in mitigating the consequences of conflict, and the possible contribution of private business to re-establishing peace and security. The results of the Berlin Conference on Afghanistan were welcomed by the Security Council which reaffirmed its support for the long-term commitment by the international community in Afghanistan. The Security Council adopted a resolution on children in armed conflict with a view to further increase the protection of the rights of children associated with armed conflict.

2. The Council held 18 informal consultations and one private meeting, nine open briefings and public meetings as well as two open debates (on the Middle East and weapons of mass destruction). It adopted five resolutions (oil-for-food inquiry, children in armed conflict, non-proliferation of weapons of mass destruction, Western Sahara, Haiti) and five presidential statements (Afghanistan, Libyan Arab Jamahiriya, Iraq/Kuwait, Kosovo, Côte d'Ivoire). The mandate of the United Nations Mission in Western Sahara (MINURSO) was renewed for six months.

Africa

Guinea-Bissau

3. In informal consultations on 6 April 2004, the representative of the Secretary-General and head of the United Nations Peace-Building Office in Guinea-Bissau (UNOGBIS), David Stephen, updated the Council on the situation in Guinea-Bissau. Members of the Council welcomed the holding of the legislative elections on 28-30 March 2004 and commended the people of Guinea-Bissau for their democratic maturity. They urged the political parties to continue to work together for national reconciliation and the return to constitutional order. They commended the coordinating roles of the United Nations Development Programme and UNOGBIS with regard to the assistance provided to Guinea-Bissau during the electoral process and the observation of the elections, respectively. They expressed their continued support for the Representative of the Secretary-General as well as for UNOGBIS. In a press statement (SC/8054), members of the Council expressed concern at the persistence of serious economic difficulties in Guinea-Bissau and made a strong appeal to the international community, to continue considering the situation in Guinea-Bissau as a matter of emergency.

Sudan (Darfur)

4. In consultations on 2 April, under "other matters", the Security Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator about the humanitarian situation in the Darfur region of Sudan. He described the continued attacks of the Janjaweed militias against the local population in Darfur as acts comparable to ethnic cleansing. More than a million people had been forced from their homes by the armed conflict to date. Without immediately improved security as well as access for humanitarian agencies, the crisis would worsen dramatically.

5. In a press statement (SC/8050), members of the Council subsequently expressed their deep concern about the massive humanitarian crisis in Darfur and called on the parties concerned to fully cooperate in order to address the grave situation, to ensure the protection of civilians and to facilitate humanitarian access to the affected population. The Council also called for the conclusion of a humanitarian ceasefire and a political settlement to the dispute.

Uganda (northern Uganda)

6. In consultations on 14 April, under "other matters", the Security Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the humanitarian situation in northern Uganda. More than 1.5 million people had been forced from their homes and over 20,000 children had been abducted since the beginning of the conflict between the Government in Kampala and the Lord's Resistance Army in the north of the country 18 years ago.

7. In a press statement (SC/8057), the Security Council strongly condemned the appalling atrocities and expressed its deep concern about the humanitarian crisis, in particular the abduction, forced recruitment and sexual violence against children. The Security Council stressed that such crimes should not remain unpunished. Council members called for an immediate end to all acts of violence against civilians and for unimpeded humanitarian access to the civilian population.

Côte d'Ivoire

8. The Security Council, under "other matters" on 8 April, heard a briefing by the Under-Secretary-General for Peacekeeping Operations on the transfer of troops from the Economic Community of West African States (ECOWAS) mission in Côte d'Ivoire to the newly established United Nations Operation in Côte d'Ivoire (UNOCI) which began operations on 4 April.

9. On 27 April, the Under-Secretary-General briefed the Council on the high-level mission to Côte d'Ivoire he led from 15 to 20 April. The mission was comprised of the Executive Secretary of ECOWAS, senior officials from France, the United Kingdom and the United States and a representative of the African Union. The purpose of the mission was to impress upon all Ivorian parties the urgent need to resolve the stalemate in the peace process. Members of the Council expressed their support for the mission.

10. On 30 April, the Security Council authorized its President to make a statement, emphasizing the individual responsibility of each of the Ivorian actors in the settlement of the crisis. The statement also expressed the Council's readiness to consider further steps to encourage full implementation of the Linas-Marcoussis

agreement and to promote the process of national reconciliation, including actions that might be taken, if necessary, against individuals whose activities are an obstacle to the full implementation of the agreement. The statement was issued in document S/PRST/2004/12.

Western Sahara

11. On 27 April, the Security Council in informal consultations heard a briefing by the Assistant Secretary-General for Peacekeeping Operations on the situation concerning Western Sahara. The Assistant Secretary-General made reference to the report of the Secretary-General dated 23 April (S/2004/325), in which the Secretary-General had recommended a further extension of MINURSO's mandate.

12. The Council, on 29 April, unanimously adopted resolution 1541 (2004) reaffirming its support for the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties. The resolution provides for an extension of the mandate of MINURSO for a period of six months until 31 October 2004 and requests that the Secretary-General provide a report on the situation before the end of the mandate, including an evaluation of the mission size necessary for MINURSO with a view towards its possible reduction.

Libyan Arab Jamahiriya

13. On 22 April, the Security Council authorized the President to make a statement, welcoming the decision by the Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and expressing the hope that resolution 2004/18 of the Board of Governors of the International Atomic Energy Agency would be implemented in the spirit of continued cooperation. The presidential statement was issued in document S/PRST/2004/10.

Asia

Iraq

14. On 16 April, in an open briefing, the United States, on behalf of the multinational force, reported to the Security Council pursuant to paragraph 25 of resolution 1511 (2003) on the efforts and progress of this force. In the subsequent closed consultations on Iraq discussion focused on the current security situation in Iraq, on the tentative ideas regarding interim structures as of 30 June presented by the Special Adviser of the Secretary-General, Lakhdar Brahimi, at a press conference held in Baghdad on 14 April, concerning a new mandate for the multinational force in Iraq and possible elements for a future Security Council resolution.

15. Following the appointment by the Secretary-General of an independent high-level inquiry on 21 April 2004, the Security Council adopted unanimously resolution 1538 (2004), in which it welcomed the appointment and called on the Coalition Provisional Authority, Iraq and all other member States to cooperate fully with the inquiry using all appropriate means. The Security Council looks forward to receiving the final report of the investigation into the administration and management of the oil-for-food programme.

16. On 27 April, the Security Council held an open briefing followed by closed consultations on Iraq with the Secretary-General's Special Adviser. In the open briefing, Mr. Brahimi further elaborated his ideas presented at a press conference in Baghdad on 14 April about interim structures following the 30 June transfer of sovereignty. He informed the Council about his plans to return to Baghdad to facilitate agreement on the proposed structures and specific personalities for the interim government. The Security Council adopted a presidential statement supporting Mr. Brahimi (S/PRST/2004/11).

17. In consultations, member States asked many questions concerning the balance of power among the multinational force, the Iraqi government and the United Nations. They also expressed concern about the very difficult security situation.

The situation between Iraq and Kuwait (Kuwaiti missing persons and property)

18. In informal consultations on 21 April, the Council heard a briefing from Ambassador Yuli Vorontsov, the Secretary-General's High-Level Coordinator, on the fifteenth report of the Secretary-General (S/2004/301), in accordance with paragraph 14 of Security Council resolution 1284 (1999). Council members expressed their continued support for the work of Ambassador Vorontsov and extended their condolences to the families of missing persons now identified. They expressed their hope that those responsible for the executions of Kuwaiti and third country nationals in violation of human rights and international humanitarian law will be brought to justice.

19. In a press statement (SC/8067), members of the Council also called on all parties concerned to continue to work towards a satisfactory solution of all humanitarian aspects under Ambassador Vorontsov's mandate and recalled that Iraq will continue to have international obligations, as set out in paragraph 14 of resolution 1284 (1999), after 30 June 2004.

Middle East (including the question of Palestine)

20. The Council held an open debate on 19 April regarding the situation in the Middle East, including the Palestinian question. The meeting followed the targeted killing of Hamas leader Abdel Aziz al-Rantisi on 17 April by Israel. In the meeting, delegations in general expressed their serious concern about the recent developments on the ground.

21. On 23 April, the Council held its monthly open briefing on the situation in the Middle East. The Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Terje Roed-Larsen, shared with the Council his assessment of the latest political developments, concentrating primarily on the Government of Israel's announced Gaza withdrawal initiative. He said that he believed that the Gaza withdrawal, if carried out in the right way, could usher in a new era of peace-making in the Middle East. For this to happen, two main elements were necessary. First, the withdrawal should constitute an end of the occupation of the Gaza Strip, not merely a military redeployment. Second, the withdrawal would have to be accompanied by the implementation of other Palestinian and Israeli obligations under the road map. He appealed to the parties to take advantage of the opportunity provided by the withdrawal initiative, and to the international community to assist the parties therein. In informal consultations

following the briefing, members of the Council agreed in general with the assessment of the situation given by the Special Coordinator.

22. Following prior informal consultations, a draft resolution demanding inter alia the cessation of extrajudicial killings was tabled as document S/2004/322 on 23 April. No action was taken.

Afghanistan

23. The Security Council held a public meeting on the situation in Afghanistan on 6 April. The Council heard briefings by Under-Secretary-General for Peacekeeping Operations and Ambassador Pleuger of Germany on the Berlin Conference on Afghanistan. Both outlined the achievements of the Conference: reform commitments by the Afghan Government, notably in the field of disarmament, demobilization and reintegration of armed forces, significant donor pledges and increased regional cooperation in counter-narcotics efforts. They welcomed President Karzai's announcement to hold elections in September 2004. Furthermore, they highlighted the continuing security problems that threatened the holding of credible elections, as well as the increasing challenge from narcotics.

24. Council members and other States welcomed the results of the conference and underlined that tackling the remaining challenges required a long-term commitment by the international community and a lasting partnership between it and the Afghans. The Security Council authorized its President to make a statement, endorsing the Berlin Declaration and its annexes, including the final communiqué of the Berlin Conference. The statement was issued in document S/PRST/2004/9.

Georgia

25. On 29 April, the Council held an open meeting at the request of the Permanent Mission of Georgia to the United Nations, at which the Prime Minister of Georgia, Zurab Zhvania, briefed the Council on recent developments and his countries views on the peace process in Abkhazia, Georgia.

26. Following the adjournment of this meeting, the Council held informal consultations and heard an introduction by the Assistant Secretary-General for Peacekeeping Operations to the report of the Secretary-General on the situation in Abkhazia, Georgia, and explained that progress was slow again. Council members expressed their support for the work of the Special Representative of the Secretary-General in Georgia as well as for the efforts of the Group of Friends, and stated their hope that the peace process will be carried forward despite the recent stalemate.

Europe

Cyprus

27. On 2 April, in an open meeting, the Council heard a briefing from the Secretary-General's Special Adviser on Cyprus, Alvaro de Soto, about the latest developments in the Cyprus talks.

28. He described the different phases of negotiations since the resumption of the Cyprus talks on 13 February 2003. He commended in particular the work of the technical experts, who had finalized 131 laws and cooperation agreements on 9,000

pages of text. However, the political level had not been able to agree on the proposed changes. In informal consultations following the open briefing, Council members expressed their appreciation for the good offices of the Secretary-General and the work of the Special Adviser and his team, and expressed hope for a solution of the Cyprus problem. In a press statement following the meeting (SC/8050), Council members noted that it was now for the Cypriots to decide their future at this important juncture.

29. On 16 April, the President of the Council made a statement to the press (SC/8061), and welcomed the results of the preparatory International Donors Conference for Cyprus, held on 15 April 2004 in Brussels, to organize financial support to cover costs linked to a possible political settlement to the Cyprus question. Council members expressed their readiness to take further actions as provided for in the plan, including by establishing a new United Nations operation in support of its swift and full implementation by all parties and by helping ensure that the parties fully met their commitments under the settlement.

30. On 19, 20 and 21 April, the Council held consultations on a draft resolution put forward by the United Kingdom and the United States. On 21 April, the draft resolution was put to a vote and was not adopted due to the negative vote of one permanent member (Russian Federation). Several Council members gave an explanation of vote (see S/PV.4947).

31. In a press statement on 29 April, members of the Security Council noted the outcome of the referenda held in Cyprus on 24 April 2004 on the comprehensive settlement of the Cyprus problem and shared the Secretary-General's disappointment that efforts since 1999 to reunify the island had not succeeded. They expressed their regret that an extraordinary and historic opportunity to resolve the Cyprus issue had been missed, reiterated their strong support for an overall political settlement in Cyprus and looked forward to the Secretary-General's forthcoming report.

UNMIK

32. On 13 April, the Council held a regular public meeting on Kosovo. It heard a briefing by the Under-Secretary-General for Peacekeeping Operations, who focused his briefing on the violence in Kosovo from 17 to 20 March. He warned that although the current situation was quiet, a potential for new violence continued to exist. The violent attacks mainly by Kosovo Albanians against Kosovo Serbs following a series of events, including the shooting of a Kosovo Serb youth and the drowning of two Kosovo Albanian children had been an organized, widespread, and targeted campaign. The violence had completely reverted the returns process, which prior to the events had shown signs of limited but encouraging progress. In the subsequent debate, members of the Council widely condemned ethnic violence in Kosovo, called on the provisional institutions of self-government in Kosovo to take responsibility and compensate for the losses, and reiterated their support for the "standards before status" policy. On 30 April, the Council authorized the President to make a statement on Kosovo that was issued in document S/PRST/2004/13.

Latin America

Haiti

33. In informal consultations on 30 April, the United Nations Secretariat introduced the report of the Secretary-General on Haiti (S/2004/300), including proposals for the mandate, structure and competencies of the multidimensional peacekeeping and nation-building mission that is to take over from the current multinational interim force, which was mandated by resolution 1529 (2004) for a period of three months. The Special Adviser of the Secretary-General for Haiti, Reginald Dumas, briefed Council members about his most recent trip to the region. He pointed out the expectation of an improvement of the cooperation between the Transitional Government of Haiti and the regional organizations. Council members welcomed the long-term comprehensive approach of the proposed United Nations-engagement in Haiti. They also requested that information on the financial implications be made available as soon as possible.

34. The Council then unanimously adopted resolution 1542 (2004) and established the Mission des Nations Unies pour la stabilisation en Haiti (MINUSTAH) for a period of six months, beginning on 1 June 2004. MINUSTAH will comprise up to 6,700 troops, up to 1,622 police officers and a number of multidimensional peace-building components. A secure and stable environment, the political process and human rights are given equal importance under the mission's mandate.

Other issues

Non-proliferation of weapons of mass destruction

35. On 28 April, the Council adopted resolution 1540 (2004) on the non-proliferation of weapons of mass destruction. This was the first time that the Council passed a resolution on this subject.

36. Its aim is to prevent proliferation of weapons of mass destruction, related materials and means of delivery to non-state actors. Such acts of proliferation are to be criminalized; controls, including export controls, are to be strengthened, and the respective legislation and administrative provisions improved. The adoption of this resolution was preceded by intensive discussions in consultations of the Security Council on 8 April, 20 April and 28 April, as well as in an open debate on 22 April.

37. Resolution 1540 (2004) imposes binding far-reaching obligations on all United Nations Member States to take legal and administrative action. Many members therefore called for an open debate to discuss the draft before its finalization. Such a debate was held on 22 April with the active participation of 51 United Nations Member States, with many of them making valuable contributions to the draft. The great majority of delegates expressed support for the goals of the resolution, i.e., to address a dangerous gap in the international security framework, and affirmed their commitment to fully implement this important new instrument. There was agreement that the resolution does not alter existing treaties or arrangements on disarmament, arms control, non-proliferation and verification, which retain their full importance and must be further developed, and that it does not constitute a basis for unilateral enforcement action.

38. Under the terms of the resolution, all Member States are to submit, within the next six months, a first report on steps they have taken or intend to take to implement it.

The role of business in conflict prevention, peacekeeping and post-conflict peace-building

39. On 15 April, the Council met to discuss the role of business in conflict prevention, peacekeeping and post-conflict peace-building. Guests speakers in the public meeting were the Secretary-General Kofi Annan, the World Bank President, the President and CEO of Siemens, Heinrich von Pierer, the President of the Economic and Social Council, Ambassador Marjatta Rasi, and the Chairman of the Advisory Groups of the Economic and Social Council for African countries emerging from conflict, Ambassador Dumisani Shadrak Kumalo.

40. There was a general view among speakers that business has an important role to play in conflict prevention and conflict resolution. Private business could fuel conflicts just as it could help to overcome conflicts. Business' role in providing employment, particularly in countries emerging from conflict, was emphasized. The Stability Pact for South Eastern Europe was referred to by some speakers as a good example for a comprehensive approach towards economic and political stabilization. The Kimberly Process for Certification of Rough Diamonds was frequently cited as a good example of partnership with the private sector to reduce the role of trade in diamonds to fund conflicts.

41. The meeting signalled the need felt for a more coherent approach by all respective institutions both inside and outside the United Nations to better use the potential of entrepreneurial initiative in stabilization efforts after a conflict. Many speakers suggested, in this regard, a follow-up to the meeting, with some members requesting a subsequent report of the Secretary-General.

Children in armed conflict

42. On 22 April, the Council adopted resolution 1539 (2004) on children and armed conflict. This resolution, the fifth of the Council on this subject, was the result of intense negotiations. The resolution imposes strict time-bound goals on parties that recruit or use child soldiers in contravention of their international obligations. It also gives a much needed fresh impetus to the improvement of monitoring and reporting, both at United Nations Headquarters and in the field. Other important areas of focus are the protection of children, especially girls, from sexual exploitation, the curbing of the sale of small arms as well as education as a means to halt and prevent the recruitment and re-recruitment of child soldiers. The Council has also broadened the scope of the resolution by taking into account other egregious violations aside from the recruitment of child soldiers. The resolution, therefore, brings important advances in the struggle for the protection of the rights of children associated with armed conflict.

43. In addition, in resolution 1539 (2004), the Council, for the first time, announced its intention to consider imposing targeted measures against parties that persist in illegal practices pertaining to the recruitment of child soldiers.

Working Group on Peacekeeping

44. On 7 April, the Security Council working group on peacekeeping discussed the configuration and mandate of the planned peacekeeping mission for Burundi. Major stakeholders in the future mission also participated in the discussion. The Secretariat briefed the working group about the situation in Burundi and plans for the peacekeeping mission. Participants subsequently exchanged views on the accomplishments of the African Mission in Burundi, contributions and support for the future United Nations peacekeeping mission, security of peacekeeping personnel, exit strategy, sustainability of United Nations peacekeeping efforts in Burundi through early linkage with peace-building measures, and benchmarks for the peacekeeping mission's mandate.

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaida/Taliban

45. On 27 April, the Chairman of the Al Qaida/Taliban Sanctions Committee, Heraldo Munoz, briefed the Council on specific aspects concerning the implementation of the sanctions. Pursuant to resolution 1526 (2004), he presented a list of 68 member States which had not yet submitted reports due under resolution 1455 (2003). Underlining the importance of States' reports as invaluable tools in evaluating the level of implementation of the sanctions measures, the Chairman announced that non-reporting States will be contacted by Committee experts to discuss the reasons for their non-reporting and will be offered assistance if needed.

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

46. Following consultations among the members of the Council, on 8 April the Council elected the Permanent Representative of Algeria as Chairman of the Committee established pursuant to resolution 1533 (2004), with Benin and the Philippines being elected as Vice-Chairmen, for the term ending on 31 December 2004.